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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,345	03/17/2004	Corey M. Willson	59599US002	3641

32692 7590 02/08/2007
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EXAMINER

POPE, DARYL C

ART UNIT	PAPER NUMBER
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2612

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/802,345

Applicant(s)

WILLSON ET AL.

Examiner

DARYL C. POPE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. In lieu of applicants requested pre-appeal conference, a decision has been made to withdraw the finality of the last Office Action and reopen prosecution. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

ART REJECTION:

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Bergman et al(6,043,777).

-- In considering claims 1 and 9, the claimed subject matter that is met by Bergman et al(Bergman) includes:

- 1) the position marker is met by the beacon(2);
- 2) the locating device is met by the processor(420) of locator(400);
- 3) the GPS device communicatively coupled to the locating device and providing GPS coordinate data indicating the position of the marker when the marker is located is

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met by the GPS receiver(404) of the locator(400) which provides GPS coordinates of its present position upon arriving at the site of the beacon(2);

4) the GPS device communicatively coupled to the locating device is also met by the GPS receiver(6) of the beacon(2) which provides coordinate data of the beacon(2) that is transmitted to the locator(400) via communication between transmitter(10) and receiver(406)(see: column 6, lines 34-36).

4) the electronic memory for storing a data record associating the GPS coordinate data with the located position marker is met by the Beacon Position/Data Format Module(634)(see: column 7, lines 64 et seq; column 8, lines 1-18).

-- With regards to claims 2-3, the computer for running a mapping application, the computer being capable of receiving the data record stored in the electron memory is met by the calculate direction vector module(636) which receives beacon position data from the module(634) and which calculates a pointing angle in which an operator needs to go in order to reach a beacon(see: column 7, lines 26-53).

-- Claims 5-6 recites subject matter met as discussed in claim 1 above.

-- With regards to claim 8, the GPS device being connected to the locating device by an RS-232 cable is met by the processor(420) being connected to the GPS receiver(404) via RS-232 cable(606).

-- With regards to claim 10, the communication circuitry for transmitting the stored data record to a computer running a mapping application is me by signal lines that connect module(634) to module(636) as seen in figure 6.

-- Claim 11 recites subject matter that is met as discussed in claims 1-2 above.

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-- Claim 12-14 recite subject matter that is met as discussed in claim 1 above.

-- Claims 15-18 recite methods that are met as discussed with reference to the discussion of the apparatus of claims 1-2 and 5-6 above.

Claim Rejections - 35 USC § 103

5. Claims 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bergman et al(Bergman).

-- With regards to claim 4, the examiner takes Official Notice that in the locating device art, use of GPS devices including electronic memory is well known in the art, and therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate an electronic memory for storing a data record into the GPS receivers of Bergman, since this would have reduced size and circuit complexity in the devices of Bergman.

-- With regards to claim 7, although not specifically taught by Bergman, the examiner takes Official Notice that in the electronic memory art, use of removable memory cards is well known, and therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a removable memory card into the module(634), since a removable memory card would have provided versatility and portability with regards to ascertaining information stored in memory.

REMARKS:

Response to Arguments

6. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DARYL C. POPE whose telephone number is 571-272-2959. The examiner can normally be reached on M-TH 9:00-7:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MIKE HORABIK can be reached on 571-272-3068. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Daryl C. Pope

February 2, 2007

DARYL C POPE
Primary Examiner
Art Unit 2612

A handwritten signature in black ink, appearing to read "Daryl C. Pope", is written over the printed name and title of the examiner.